

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
NORTHERN DIVISION**

JOHN DOE

PLAINTIFF

V.

CIVIL ACTION NO. 3:18-cv-63-DPJ-FKB

THE UNIVERSITY OF MISSISSIPPI, ET AL.

DEFENDANTS

**UNOPPOSED MOTION FOR EXTENSION OF TIME TO RESPOND
TO PLAINTIFF'S MOTION TO COMPEL**

Defendants The University of Mississippi and Chancellor Jeffrey S. Vitter in his official capacity ("Defendants") request that this Court extend their time to file a response to Plaintiff's Motion to Compel [Doc. 85] and stay further preliminary discovery pending resolution of their impending Motion to Stay. In support, they state:

1. Plaintiff filed an Urgent and Necessitous Motion to Compel Discovery on August 6, 2018 [Doc. 85] for discovery related to Plaintiff's Motion for a Preliminary Injunction. During a telephonic discovery conference held August 9, 2018, the Court advised that it would not treat Plaintiff's motion as "urgent and necessitous" pursuant to Local Uniform Rule 7(b)(8). Based on the briefing deadlines set by Local Uniform Rule 7(b)(4), Defendants' response to the Motion to Compel is due today, August 20, 2018.

2. The Court held a hearing on Plaintiff's Motion for Preliminary Injunction on August 15 and 16, 2018. During that hearing, Defendants urged an *ore tenus* motion to stay proceedings based on Plaintiff's refusal to testify and invocation of his rights under the Fifth Amendment to the United States Constitution.

3. On August 17, 2018, the Court held a telephonic conference with the parties. During that conference, the Court denied Plaintiff's Motion for a Preliminary Injunction and denied without prejudice Defendants' *ore tenus* Motion to Stay. The Court directed Defendants

to file a written Motion to Stay pursuant to Local Uniform Rule 7 on or before August 24, 2018.

4. In light of Defendants' impending Motion to Stay, Defendants request additional time in which to respond to Plaintiff's Motion to Compel Discovery and that the Court temporarily stay further preliminary discovery. Specifically, Defendants request that the Court stay all preliminary discovery and discovery-related briefing, including Defendants' deadline to respond to Plaintiff's Motion to Compel, until ten (10) days after the Court rules on Defendants' Motion to Stay, which will be filed on or before August 24, 2018, or ten (10) days after the stay is lifted, whichever is longer.

5. Pursuant to Local Uniform Rule 7(b)(1), counsel has discussed this Motion with counsel for Plaintiff. Plaintiff does not oppose this motion provided all preliminary discovery is stayed until ten (10) days after resolution of the Motion to Stay, discussed above.

6. Because of the self-explanatory nature of this Motion, Defendants request that the Court relieve them of the requirement of a separate memorandum brief.

FOR THESE REASONS, Defendants request that the Court stay any preliminary discovery in this matter, including their obligation to respond to Plaintiff's Motion to Compel, until ten (10) days after the denial of their Motion to Stay or ten (10) days after the stay is lifted, whichever is later.

THIS, the 20th day of August, 2018.

Respectfully submitted,

**THE UNIVERSITY OF MISSISSIPPI AND
CHANCELLOR JEFFREY S. VITTER, IN HIS
OFFICIAL CAPACITY**

/s/ J. Cal Mayo, Jr.

J. CAL MAYO, JR. (MB NO. 8492)

PAUL B. WATKINS, JR. (MB NO. 102348)

J. ANDREW MAULDIN (MB NO. 104227)

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CERTIFICATE OF SERVICE

I, J. Cal Mayo, Jr., one of the attorneys for Defendants, do certify that I have electronically filed this document in the ECF system with the Clerk of the Court which sent notification of the filing to all attorneys of record.

THIS, the 20th day of August, 2018.

/s/ J. Cal Mayo, Jr.

J. CAL MAYO, JR.